

STATEMENT OF BASIS (AI No. 162273)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0124702 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Associated Terminals of St. Bernard, LLC
Derrick Barge T. Lange
8000 St. Bernard Highway
Arabi, Louisiana 70032

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Michelle Bickham

DATE PREPARED: November 23, 2009

1. PERMIT STATUS

A. Reason For Permit Action:

Issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. LPDES permits –

LPDES permit effective date: N/A
LPDES permit expiration date: N/A

C. Date Application Received: December 12, 2008

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - mobile midstream dry bulk transfer facility

Associated Terminals of St. Bernard, LLC is an existing mobile midstream dry bulk transfer facility. The facility operates on the Mississippi River at River Mile 90.7. Dry bulk material is transferred from barge to ship and ship to barge for export. See Attachment 1 for a list of commodities to be handled at the facility.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: I*
3. Wastewater Type: III
4. SIC code: 4491

* In Appendix A - Section IV (Relation of 1987 to 1977 Industries) of the Standard Industrial Classification Manual, the SIC code 4491 is equivalent to a previous SIC code of 4463. As per LAC33:IX.1319 Table I, SIC code 4463 is assigned Complexity Type II. The Complexity Type has been BPJ'd from II to I to match other similar facilities.

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C. LOCATION - Mississippi River Mile 90.7, St. Bernard Parish
Latitude 29° 56' 27", Longitude 89° 59' 49"

3. OUTFALL INFORMATION

Outfall *A

Discharge Type: maintenance ballast and void water
Treatment: none
Location: at the point of discharge from the barge prior to combining with other waters
Flow: intermittent
Discharge Route: Mississippi River

Outfall *B

Discharge Type: equipment/deck washdown water when transferring commodities other than coal
or coke
Treatment: none
Location: at the point of discharge from the barge prior to combining with other waters
Flow: intermittent
Discharge Route: Mississippi River

Outfall *C

Discharge Type: equipment/deck washdown water when transferring coal or coke
Treatment: none
Location: at the point of discharge from the barge prior to combining with other waters
Flow: intermittent
Discharge Route: Mississippi River

Outfall *D

Discharge Type: treated sanitary wastewater
Treatment: sewage treatment plant with extended aeration
Location: at the point of discharge from the sewage treatment plant prior to combining with
other waters
Flow: intermittent
Discharge Route: Mississippi River

* The numbering convention for each barge is listed in Attachment 2 of the permit. For this permit, the different wastestreams are referred to as A, B, C, or D, and the different barges will be designated as 01, 02, etc. (see Attachment 2).

4. RECEIVING WATERS

STREAM - Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segment 070301

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- DESIGNATED USES -
- a. primary contact recreation
 - b. secondary contact recreation
 - c. propagation of fish and wildlife
 - d. drinking water supply

5. TMDL STATUS

The discharges from Associated Terminals of St. Bernard, LLC are to the Mississippi River, Subsegment 070301 of the Mississippi River Basin. Subsegment 070301 is not listed on LDEQ's Final 2006 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

6. CHANGES FROM PREVIOUS PERMIT

N/A

7. COMPLIANCE HISTORY/COMMENTS

N/A

8. EXISTING EFFLUENT LIMITS

N/A

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated November 17, 2008, from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

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11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Associated Terminals of St. Bernard, LLC

1. Outfall *A – the intermittent discharge of ballast water

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow (gpd)	Report	Report	(*1), (*2)
COD	---	250	(*1)
Oil & Grease	---	15	(*1)
Visible Sheen	---	No Presence	(*1)
pH standard Units	6.0 (min)	9.0 (max)	(*1), (*3)

Treatment: none

Monitoring Frequency: Once per discharge event (may be discharged without sampling provided there is no visible sheen; flow and the presence or absence of a sheen shall be recorded for all discharges) - based on BPJ per LDEQ's current practices for permitting ballast water discharges and existing permits for similar outfalls.

Testing for COD, Oil & Grease, and pH is only required if a visible oil sheen is present. If a visual inspection can be conducted, the compartment containing the ballast water must be inspected for a visible sheen prior to the discharge event. If a visible oil sheen is observed in the compartment containing the ballast water prior to the discharge event or if an oil sheen is observed during the discharge event, testing for COD, Oil & Grease, and pH is required.

Limits Justification: The effluent limitations are based on BPJ per LDEQ's current practices for permitting ballast water discharges, LAC 33:IX.2707.1.1.b, and LAC 33:IX.1113C.1 and existing permits for similar outfalls.

(*1) LDEQ's current practices for permitting ballast water discharges

(*2) LAC 33:IX.2707.1.1.b

(*3) LAC 33:IX.1113.C.1

2. Outfall *B - the intermittent discharge of equipment/deck washdown when transferring commodities other than coal or coke

Based on BPJ and on permits for similar facilities, no effluent limitations

Treatment: none

Monitoring Frequency: None (BPJ; existing permits for similar outfalls)

Limits Justification: BPJ; language has been included in Part II which addresses pollution prevention practices for the washdown activity; this is consistent with existing permits for similar outfalls.

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3. **Outfall *C** - the intermittent discharge of equipment/deck washdown when transferring coal or coke

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow (gpd)	Report	Report	(*1)
COD	250	400	(*1)
TSS	Report	Report	(*1)
pH standard Units	6.0 (min)	9.0 (max)	(*1)

Treatment: none

Monitoring Frequency: once per discharge event for all parameters (BPJ; existing permits for similar outfalls)

Limits Justification: Limits are based on LDEQ Office practices for permitting coal and/or coke equipment/deck washdown.

(*1) LDEQ Office practices for permitting coal and/or coke barge washwater

4. **Outfall *D** - the intermittent discharge of treated sanitary wastewater

Pollutant	Limitation		Reference
	Monthly Avg	Daily Maximum	
	mg/L		
Flow	Report	Report	
BOD ₅	30	45	BPJ; LAG530000 and similar discharges
TSS	30	45	BPJ; LAG530000 and similar discharges
Fecal Coliform colonies/100ml	200	400	BPJ; LAG530000 and similar discharges
pH, s.u.	6.0 (min)	9.0 (max)	BPJ; LAG530000 and similar discharges

Treatment: sewage treatment plant with extended aeration

Monitoring Frequency: once per 6 months for all parameters (BPJ; as per the Treated Sanitary Wastewater, Class I General Permit and similar discharges).

Limits Justification: BPJ; per the Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5000 GPD and similar discharges.

* The numbering convention for each barge is listed in Attachment 2 of the permit. For this permit, the different wastestreams are referred to as A, B, C, or D, and the different barges will be designated as 01, 02, etc. (see Attachment 2).

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

This facility is not subject to Effluent Limitations Guidelines for Transportation Equipment Cleaning, 40

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cleaning the interior of tanks used to transport chemical, petroleum or food grade cargos.” This facility does not clean the interior of tanks. Only top deck washing of floating derrick crane barges is performed.

Storm Water Pollution Prevention Plan (SWP3) Requirement

As per LAC33:IX.2341.B.14.k, stormwater discharges from facilities classified as SIC Codes 4491 are considered to be associated with industrial activities and accordingly require SWP3 requirements. However, an SWP3 is not included in the permit because the facility is a water related operation only. Barge BMPs are comparable to the SWP3 requirements; therefore, the barge BMPs will be applied instead.